

Defendants' motion reflects their true objective: avoidance of this Court and continued delay of Archer Dental's pursuit of this action. As reflected in their filings with this Court, Defendants' effort to compel to arbitration this action – an “action for injunctive relief” expressly excluded by the very arbitration provision on which Defendants rely – is just one in a series of dilatory tactics that Defendants intend to employ. Defendants have made no secret of their intention to file interlocutory appeals should their unmeritorious motions to compel arbitration be denied. They have also made no secret of their intentions to file motions to dismiss should their motions to compel arbitration and subsequent threatened appeals be rejected. *See* Manufacturer Defs.' Mot. to Compel Arbitration at 1 n.1; Schein's Mot. to Compel Pl. to Arbitrate at 10 n.10. The motion for extension of deadlines is simply another delaying tactic by Defendants and should not be permitted, particularly when the only potentially imminent deadlines consist of a status conference with the Court and initial disclosures.

For the foregoing reasons, Plaintiff Archer Dental requests that the Court deny Defendants' joint motion for extension of stay of deadlines.

DATED: October 25, 2012.

Respectfully submitted,

/s/ Jerry L. Beane

Jerry L. Beane

State Bar No. 01966000

jerrybeane@andrewskurth.com

Kay Lynn Brumbaugh

State Bar No. 00785152

kaylynnbrumbaugh@andrewskurth.com

ANDREWS KURTH LLP

1717 Main Street, Suite 3700

Dallas, TX 75201

214.659.4400 Telephone

214.659.4401 Facsimile

**ATTORNEYS FOR PLAINTIFF
ARCHER AND WHITE SALES, INC.**

CERTIFICATE OF SERVICE

I hereby certify on this 25th day of October, 2012, that a copy of the foregoing *Plaintiff Archer and White Sales, Inc.'s Response in Opposition to Defendants' Joint Motion for Extension of Stay of Deadlines* was filed and served by operation of the electronic filing system of the U.S. District Court for the Eastern District of Texas upon all counsel of record who have consented to receive notice of filings in this matter.

Layne E. Kruse
Fulbright and Jaworski LLP
Fulbright Tower
1301 McKinney, Suite 5100
Houston, TX 77010-3095

Paul F. Schuster
Michael V. Powell
Locke Lord LLP
2200 Ross Avenue, Suite 2200
Dallas, TX 75201-6776

Steven R. Kuney
Jonathan B. Pitt
James H. Weingarten
Williams & Connolly, LLP
725 Twelfth Street NW
Washington, DC 20005

Helene D. Jaffe
Alan R. Kusinitz
Proskauer Rose LLP
Eleven Times Square
New York, NY 10036-8299

Attorneys for Defendant Henry Schein, Inc.

Attorneys for Defendants Danaher Corporation, Instrumentarium Dental, Inc., Dental Equipment LLC, KaVo Dental Technologies, LLC and Dental Imaging Technologies Corporation

/s/ Jerry L. Beane
Jerry L. Beane